

Rules Amending Title 19
Hawaii Administrative Rules

1. Chapter 132 of Title 19, Hawaii Administrative Rules, entitled "Approval and Revocation of Approval for the Display, Sale, and Use of Vehicle Equipment" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 132

APPROVAL AND REVOCATION OF APPROVAL FOR THE
DISPLAY, SALE, AND USE OF VEHICLE EQUIPMENT

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Historical note. This chapter is based substantially upon The Rules and Regulations Governing the Approval and Revocation of Approval for the Display, Sale, and Use of Vehicle Equipment. [Eff 7/19/75; R 8/26/82; am, R, ren and comp]

§19-132-1 Scope. This chapter applies to each of the following equipment items or devices, whether it is a separate component or is combined with another item or device into an aggregate assembly:

- (1) Head lamps
- (2) Auxiliary lamps
- (3) Fog lamps
- (4) Rear lamps
- (5) Signal lamps
- (6) Reflectors required by law
- (7) Glazing material
- (8) Hydraulic brake fluid
- (9) Seat belts
- (10) Seat belt assemblies
- (11) Shoulder harnesses
- (12) Shoulder harness assemblies
- (13) Combination seat belts and shoulder harnesses
- (14) Combination seat belts and shoulder harness assemblies. [Eff 8/26/82; am and comp] (Auth: HRS §286-83)
(Imp: HRS §286-83)

§19-132-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Auxiliary lamp" means a lighting device designed to be mounted upon a vehicle and which provides illumination supplementary to the head lamps. It includes auxiliary passing lamps, auxiliary driving lamps, and spot lamps.

"Director" means the director of transportation or his authorized representative.

"Fog lamp" means an auxiliary lamp with a lens of a color from white to yellow (amber) which is designed to provide better illumination in fog or precipitation.

"Glazing material" means any glass, plastic, or other material designed to be used in or upon the windshield, any window, or other panel located in or upon a vehicle. It excludes materials used as lamp or reflector lenses, or as a protective covering for instruments, gauges, indicators, etc.

"Head lamp" means a lighting device designed to be mounted in a fixed position on or near the front of a vehicle which is the primary source of illumination to the front of the vehicle.

"Hydraulic brake fluid" means any fluid used, or intended to be used, to transmit energy in a hydraulic brake system.

"Reflector" means a device designed and constructed to cause incident light to be re-directed in a specific manner.

"Seat belt" means a vehicle occupant restraining device usually consisting of straps, designed to limit the movement of an occupant's body, primarily the lower torso.

"Seat belt assembly" means all of the components related to a seat belt installation in a vehicle, including the straps and their anchoring, fastening, storage, and locking components.

"Shoulder harness" means a vehicle occupant restraining device, usually consisting of straps, designed to limit the movement of an occupant's body, primarily the upper torso.

"Shoulder harness assembly" means all of the components related to a shoulder harness installation in a vehicle, including the straps and their anchoring, fastening, storage, and locking components.

"Signal lamp" means a lighting device which, by its location, configuration, color, or mode of operation, conveys a special meaning or warning to an observer.

"State" means the State of Hawaii.

"Vehicle equipment items or devices" or "item or device" includes each of the items set forth in §19-132-1.

Other terms used in this chapter shall have the same meaning as defined in §286-2, Hawaii Revised Statutes. [Eff 8/26/82; comp] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-3 Standards. The standards for vehicle equipment items or devices shall be as follows:

- (1) If a standard is established by a Federal Motor Vehicle Safety Standard (FMVSS) for an item or device, the item or device shall meet or exceed the standard set forth therein.
- (2) If no standard is established by the FMVSS for an item or device, but is established by the ~~[American Association of Motor Vehicle Administrators (AAMVA)]~~ Automotive Manufacturers Equipment Compliance Agency, Inc. (AMECA), the item or device shall meet or

exceed the standard established by the
[AAMVA] AMECA.

- (3) If no standard is established by the FMVSS or the [AAMVA] AMECA for an item or device, but is established by the Society of Automotive Engineers (SAE), the item or device shall meet or exceed the standard established by the SAE.
- (4) If no standard is established by the FMVSS, the [AAMVA] AMECA, or the SAE for an item or device, but is established by the Vehicle Equipment Safety Commission (VESC), the item or device shall meet or exceed the standard established by the VESC.
- (5) If no standard is established by the FMVSS, the [AAMVA] AMECA, the SAE, or the VESC for an item or device, but is established by the American National Standards Institute (ANSI), the item or device shall meet or exceed the standard established by the ANSI.

~~[(6) If no standard is established for an item or device under paragraphs (1) to (5) of this section, the standard for that item or device shall be determined by the director based upon a standard issued or formulated by the Specialty Equipment Manufacturers Association (SEMA) or by the equipment manufacturer which standards shall be subject to confirmation by tests as specified by the issuing organization or the equipment manufacturer.]~~

[Eff 8/26/82; am and comp]

(Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-4 Labels required. Vehicle equipment items or devices, other than hydraulic brake fluid, and the containers in which hydraulic brake fluid is sold, shall be permanently labeled with the manufacturer's name or trademark and the identifying nomenclature under which the item or device has been approved ~~[by the director]~~, unless approval is otherwise indicated in accordance with FMVSS-compliant methodology. The labelling or identification shall be legible when the item or device, except hydraulic brake fluid, is installed, or otherwise in use, in or upon the vehicle, unless legibility is not required by FMVSS or other standard in this rule. [Eff 8/26/82;

am and comp] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-5 Manufacturer's certification of FMVSS compliance. Any item or device which is labelled by the manufacturer, as required by federal regulations, indicating compliance with the applicable FMVSS shall be deemed approved by the director for display and sale in the State without the necessity of a submission for approval. The approval shall extend only to displays and sales for the use as stated and intended by the name or by the descriptive terminology in the FMVSS~~[, unless submitted to the director for approval for other uses and an approval certificate is issued by the director]~~. [Eff 8/26/82; am and comp] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-6 ~~[AAMVA]~~ AMECA certification. An item or device for which the ~~[AAMVA]~~ AMECA has issued a certificate of approval indicating the item or device has met the applicable FMVSS or ~~[AAMVA]~~ AMECA standards shall be deemed approved by the director for display and sale in the State when:

- (1) A copy of the ~~[AAMVA]~~ AMECA certificate of approval for the item or device has been filed with the director; or
- (2) The item or device is listed in the most current issue of the "~~[AAMVA Approved Vehicle Devices Handbook]~~ Compliance List of Automotive Safety Devices" published by the ~~[AAMVA]~~ AMECA.

The approval shall extend only to displays, sales for the use, and use as stated or intended by the name or by the descriptive terminology in the FMVSS, the ~~[AAMVA]~~ AMECA approval certificate, or the listing in the most current "~~[AAMVA Approved Vehicle Devices Handbook]~~ Compliance List of Automotive Safety Devices" ~~[, unless submitted to the director for approval for other uses and an approval certificate is issued by the director]~~. [Eff 8/26/82; am and comp] (Auth: HRS §286-83) (Imp: HRS §286-83)

§19-132-7 Certification of compliance with recognized standards. An item or device for which there is

no applicable FMVSS or [AAMVA] AMECA approved standard, but which meets standards set forth in paragraphs (3), (4), and (5) of §19-132-3, shall be ~~[approved by the director upon compliance with the following procedures:~~

- ~~(1) A manufacturer or his representative desiring to secure approval of an item or device shall submit a written request for approval, including a copy of the laboratory test report for the item or device, to the director.~~
- ~~(2) Laboratory test reports shall be certified by the independent testing agency which performed the tests with respect to the accuracy of and compliance with the standards set forth therein. The test report shall identify the standard used in the test.~~
- ~~(3) The written request and the test report shall describe the item and provide the name or other identifying nomenclature which will appear on the item or device.~~
- ~~(4) If, after receipt of the request and test report, the director finds that the item or device meets the requirements of this chapter, a certificate of approval shall be issued to the manufacturer or his representative. The approval shall extend only to displays, sales for the use, and use as stated in the written notice or certificate of approval.] deemed approved by the director for display and sale in the State without the necessity of a submission for approval. The approval shall extend only to displays and sales for the use as stated and intended by the name or by the descriptive terminology of the approval standards. [Eff 8/26/82; am and comp] (Auth: HRS §286-83)
(Imp: HRS §286-83)~~

~~[§19-132-8 Certification of compliance with other standards. An item or device for which there is no recognized standard shall be approved by the director upon compliance with the following procedures:~~

- ~~(1) A manufacturer or his representative desiring to secure approval of an item or device shall submit a written proposal of standards for the item or device to the director. The~~

~~proposal shall detail the standards in terms of performance and shall set forth test procedures to be used to determine compliance. The manufacturer shall submit a verification of the validity of the test procedures from an independent testing laboratory.~~

- ~~(2) When the proposed standards are accepted by the director, a written notice of acceptance shall be provided to the manufacturer, or his representative.~~
- ~~(3) The manufacturer or his representative may then request approval of the item or device in accordance with §19-132-7.] [Eff 8/26/82; R] (Auth: HRS §286-83) (Imp: HRS §286-83)]~~

~~[§19-132-9] §19-132-8 Limited use approval for research and development. Upon receipt of a written application from a manufacturer or his representative, the director may, after consultation with state and county traffic officials, grant limited approval for the use of an item or device for research and development. The limitation may extend to any phase of the sale or display but the term shall not exceed ninety days, subject to renewal for good cause. The written application shall contain a description of the item or device, the purpose or goal of the research or development program, and a discussion of the safety factors involved. Approvals shall be made in writing and shall set forth all limiting conditions relating to the use of the item or device. [Eff 8/26/82; ren §19-132-8 and comp] (Auth: HRS §286-83) (Imp: HRS §286-83)~~

~~[§19-132-10] §19-132-9 Revocation of approval. The director may, in accordance with §286-84, Hawaii Revised Statutes, suspend or revoke any approval granted items or devices, if the items or devices do not meet the requirements set forth in this chapter. [Eff 8/26/82; ren §19-132-9 and comp] (Auth: HRS §286-83) (Imp: HRS §286-84)~~

~~[§19-132-11] §19-132-10 Severability. If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of~~

the remaining section or parts of this chapter. [Eff 8/26/82; ren §19-132-10 and comp] (Auth: HRS §286-83) (Imp: HRS §286-83)

~~[§19-132-12]~~ §19-132-11 Repeal. All rules and regulations governing the approval and revocation of approval for the display, sale, and use of vehicle equipment in effect prior to the effective date of this chapter are repealed." [Eff 8/26/82; ren §19-132-11 and comp] (Auth: HRS §286-83) (Imp: HRS §286-83)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 19-132, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on and filed with the Office of the Lieutenant Governor.

RODNEY K. HARAGA
Director of Transportation

APPROVED AS TO FORM:

Deputy Attorney General